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W.P.No.6367 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

**W.P.No.6367 of 2020 and
WMP No.7513 of 2020**

Navpreet Singh

... Petitioner

Vs.

1. Union of India,
Rep. by the Secretary,
Ministry of Home Affairs, North Block,
Central Secretariat,
New Delhi 110 001.
2. The Director General,
CISF Headquarters, No.13, CGO Complex,
Lodhi Road, New Delhi 110 003.
3. The Commandant, CISF Unit,
ASG Chennai, Chennai Airport,
Chennai 600 027.
4. The Deputy Inspector General/AP-SZ,
CISF Headquarters, South Zone,
II Floor, D Block, First Floor,
Rajaji Bhavan, Chennai 600 090.
5. The Inspector General/APS-II,
CISF, APS-II, Headquarters,
CISF Unit, ASG KIA, Bengaluru, Devanahalli,
North Bengaluru 560 300

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent relating to the order bearing No.V-15014/CISF/ASG(Ch)/Major ASG (Trichy) 2019/652 dated 21.01.2019, the records of the fourth respondent relating to the consequent order of the fourth respondent bearing No.V-15019/L&R/APSZ/Disc/Appeal-02/NPS/2019/2476 dated 30.04.2019 and the records of the fifth respondent relating to the consequent order of the fifth respondent bearing No.V-15019/APS-II/L&R/(Rev.-16/19)/NPS/2019/7149 dated 11.10.2019 and quash the same and direct the respondents to forthwith reinstate the petitioner in service with continuity of service, full backwages and all consequent and attendant benefits.

For petitioner : Mr.Ramapriya Gopalakrishnan
For respondents : Mr.N.Ramesh,
Senior Central Govt. Counsel

ORDER

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus quashing the impugned order of removal passed by the third respondent dated 21.01.2019; impugned order of the fourth respondent dated 30.04.2019, conforming the order of



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removal; and the impugned order of the fifth respondent dated 11.10.2019, rejecting the revision filed by the petitioner and consequently, direct the respondents to forthwith reinstate the petitioner in service with continuity of service, full back wages and all consequent and attendant benefits.

2. The petitioner had joined as a Constable in Central Industrial Security Force on 16.04.2012. Thereafter, he was transferred to the CISF Unit Aviation Security Group at Trichy Airport, wherein, a lady colleague namely Darshana devi became friend with him and later they developed physical relationship. Subsequently, she gave a complaint against the petitioner, based on which, a case was registered in FIR No.347/2017 and charge memo was issued alleging that the petitioner had relationship with the above lady constable by giving false assurance to marry her. Further, Complaints Committee was constituted as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, prohibition and Redressal) Act, 2013. The said Committee submitted the enquiry report, holding that the charges levelled against the petitioner are proved. Though the petitioner had submitted his



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objections to the report, he was imposed penalty of removal from service vide order dated 21.01.2019 by the third respondent. The petitioner had preferred an Appeal before the Deputy Inspector General, Airport, CISF against the order of removal, but the Appellate Authority confirmed the order of the disciplinary authority. Revision Petition filed by the petitioner was also rejected by the Revisional Authority. Hence the writ petition.

3. During the course of the arguments, it is brought to the notice of this Court that the petitioner married the above Darshana Devi on 22.02.2022 and their marriage was also registered under Punjab Anand Registration of Marriage Act before the Marriage Registrar on 09.03.2022 and they are leading the happy married life. The copy of the Marriage Invitation has been enclosed along with the additional typed set of papers filed by the petitioner. Further, the learned counsel for the petitioner has also produced the Marriage Certificate before this Court.



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4. Inview of the subsequent events taken place and also taking into account the fact that the petitioner married the above said Dakshana Devi, the order of removal from service requires for reconsideration by the Disciplinary Authorities. Further, this Court cannot record the documents produced by the parties and the Respondent is a competent Authority to give opportunity to both the parties to appear before the Disciplinary Authority along with all the relevant records and to record the same. If necessary, both the parties may also adduce their statements before them. After enquiry, considering the statements made by the parties and also taking into account the documents, if any filed, it is for the Disciplinary Authorities to re-consider the punishment of removal from service passed against the petitioner and to take appropriate decision by imposing appropriate punishment or penalty, instead of imposing major punishment.

5. Accordingly, it is ordered as follows.

i) The impugned order of removal dated 21.01.2019 passed by the third respondent against the petitioner; and the consequential impugned orders passed by the fourth respondent dated 30.04.2019



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and the fifth respondent dated 11.10.2019 are quashed.

ii) The Disciplinary Authority is directed to consider the claim of the petitioner afresh, by giving opportunities to both parties and recording their statements and to pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is allowed. No costs. Consequently, connected writ miscellaneous petition is closed.

22.06.2022

Index: Yes/No
Internet: Yes/No
mst

To

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D. KRISHNAKUMAR, J.

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